

ASSEMBLY BILL

No. 488

Introduced by Assembly Members Torres and Hagman
(Coauthors: Senators Huff and Negrete McLeod)

February 24, 2009

An act to amend Sections 18987.61 and 18987.62 of the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 488, as introduced, Torres. Children's services programs: performance agreement contracts.

Under existing law, each county may enter into performance agreements with private, nonprofit agencies to encourage innovation in the delivery of children's services, to develop services not available in the community, and to promote change in the child welfare services system. Existing law limits these performance agreements to a period of 3 years.

This bill would authorize the department to renew or extend the performance agreements described above beyond the 3-year time period and would make a conforming change.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 18987.61 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 18987.61. (a) Each county may enter into performance
- 4 agreements with private, nonprofit agencies to encourage

1 innovation in the delivery of children's services, to develop services
2 not available in the community, and to promote change in the child
3 welfare services system.

4 (b) In developing the agreements, counties and service providers
5 shall pursue services that enhance the ability of children to remain
6 in the least restrictive, most family-like setting possible and
7 promote services that address the needs and strengths of individual
8 children and their families.

9 (c) Programs developed pursuant to this section shall operate
10 within the county, or in another county with the approval of that
11 county.

12 (d) Agreements pursuant to subdivision (a) shall be for a period
13 of up to three years, *unless renewed or extended by the department*.

14 (e) A county shall provide a report to the director within three
15 months of the end of each agreement to report on the details of the
16 agreement, the results achieved during its operation, and the
17 applicability of the approach to a wider population. The director
18 shall make these reports available to the Legislature upon request.

19 SEC. 2. Section 18987.62 of the Welfare and Institutions Code
20 is amended to read:

21 18987.62. (a) Upon request from a county, the director may
22 waive regulations governing foster care payments or the operation
23 of group homes to enable counties to implement the agreements
24 established pursuant to Section 18987.61. Waivers granted by the
25 director shall be applicable only to services provided under the
26 terms of the agreement and for the duration of the agreement,
27 *including any renewal or extension authorized by the department*.
28 A waiver shall only be granted when all of the following apply:

29 (1) The agreement promises to offer a worthwhile test of an
30 innovative approach or to encourage the development of a new
31 service for which there is a recognized need.

32 (2) The regulatory requirement prevents the implementation of
33 the agreement.

34 (3) The requesting county proposes to monitor the agreement
35 through performance measures that ensure that the purposes of the
36 waived regulation will be achieved.

37 (b) The director shall take steps that are necessary to prevent
38 the loss of any substantial amounts of federal funds as a result of
39 the waivers granted under this section. The waiver may specify

1 the extent to which the requesting county shall share in any cost
2 resulting from any loss of federal funding.

3 (c) The director shall not waive regulations that apply to the
4 health and safety of children served by participating private
5 agencies.

6 (d) The director shall notify the appropriate policy and fiscal
7 committees of the Legislature whenever waivers are granted and
8 when a waiver of regulations was required for the implementation
9 of the county's proposed agreement. The director shall identify
10 the reason why the development of the services outlined by the
11 agreement between the county and the service provider are hindered
12 by the regulations to be waived.

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